

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : James J. BARRY, et al.
SERIAL NO. : 09/842,833
FILING DATE : April 27, 2001
FOR : METHOD AND SYSTEM FOR DELIVERY
OF COATED IMPLANTS
EXAMINER : Alvin J. Stewart
GROUP ART UNIT : 3738
CUSTOMER NO. : 23838

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
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AMENDMENT / REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. 1.114

SIR:

In response to the Decision on Appeal from the Board of Patent Appeals and Interferences ("BPAI") mailed July 29, 2009, for which response is due by September 29, 2009, Applicants respectfully submit the following amendments and request for reconsideration of the present application. According to 37 CFR 1.198, when a decision by the BPAI has become final, prosecution will not be reopened except under the provisions of §1.114 or §41.50 (See MPEP 1214.07). An RCE is proper under 1.114(a)(3) before the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit or the commencement of a civil action. Please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.